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THE BEDOONS OF KUWAIT

"Citizens without Citizenship"

Human Rights Watch

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Human Rights Watch/Middle East

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Citizenship *is* man's basic right, for it is nothing less than the right to have rights. Remove this priceless possession and there remains a stateless person, disgraced and degraded in the eyes of his countrymen.

-Justice Warren in *Perez v. Brownell*, 1958.

"Citizens without citizenship" is a description given by the Kuwaiti Criminal Court (Felonies Circuit), Dec. 7, 1987, Abdali District.

-"A Bedoon's name is written in pencil; it can be easily erased." Yousif al-Kharafi, Kuwait's (former) Deputy Minister of Interior.

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NOTE ON THE TEXT

The word "Bedoon" is from the Arabic phrase "*bedoon jinsiyya*," literally meaning either "without nationality" or "without citizenship." The term should not be confused with the English word Bedouin, from the Arabic word "*badawi*," meaning nomad (the plural is "*badu*," or the more colloquial "*bidwan*"). Although many of the Bedoons are of Bedouin origin, most of them have long settled in the urban centers of Kuwait, and many have never lived a nomadic life. In Kuwaiti usage, Bedoon is used as a singular or plural noun. To avoid confusion, in this report "Bedoon" is used for the singular and "Bedoons" for the plural.

SUMMARY OF FINDINGS

Kuwait practices a system of institutionalized discrimination against its residents known as Bedoons, long-time inhabitants who have been denied Kuwaiti citizenship and are now being rendered stateless. Barred from employment, denied education for their children, restricted in their movements, and living under the constant threat of arbitrary arrest and deportation; Bedoons are a community of "have nots" in one of the wealthiest countries of the world. At the same time, tens of thousands of Bedoons who fled Kuwait during the Iraqi occupation have been barred from returning to their country.

After decades of treating Bedoons as citizens and repeatedly promising to confer formal citizenship on them, the Kuwaiti government reversed its practice and declared them illegal residents of the only country they have ever known. Although the policy was adopted before the Iraqi invasion, it has intensified since the Kuwaiti government was restored to power following the victory of the Desert Storm military campaign. Kuwaiti authorities have justified their policy on the theory that Bedoons are illegal aliens and therefore are not entitled to live in Kuwait or enjoy the basic rights to which citizens and lawful residents are entitled.

The Human Rights Watch investigation summarized in this report lasted several years and included interviews with over 500 Bedoons in Kuwait and the diaspora. It also included interviews with Kuwaiti government officials, members of parliament, judges, lawyers and others with knowledge on this subject. We also examined Kuwaiti laws, court cases and relevant official documents. We found the following:

- Bedoons today number about 300,000, one third of Kuwait's native population, an estimate based on Kuwaiti official documents. Nearly half of them still reside in Kuwait while the rest are languishing in exile, mainly in Iraq, because Kuwait blocked their return after the war.
- Most Bedoons were born in Kuwait, have lived there all their lives-many Bedoon families have lived in Kuwait for generations-or have close

family ties in the country. For decades, they were treated as lawful residents and effectively citizens in every aspect of their lives. They were repeatedly promised formal Kuwaiti citizenship. About 30,000 of them are spouses of Kuwaiti women or children of Kuwaiti mothers. Many others have siblings or other close relatives who are Kuwaiti citizens.

- The policies adopted by Kuwait since 1985 have resulted in widespread dislocation and extreme hardship. Bedoons were dismissed en masse from their government positions, with the exception of few thousand Bedoons who have been reinstated in the military and police. Bedoons are no longer eligible to work in the private sector or receive most basic government services.
- Classified as illegal residents, they are no longer issued civil identification cards, driver's licenses or travel documents, putting most Bedoons under virtual house arrest. They are not permitted to travel abroad, including for medical emergencies or religious pilgrimage, unless they accept never to return to Kuwait.
- Because their presence in Kuwait has been declared illegal, Bedoons are vulnerable to harassment and exploitation. As they are fearful of the authorities, they refrain from filing complaints and limit their movement to their neighborhoods, where they can avoid checkpoints and harassment.
- Having been denied employment and other sources of income, most Bedoons live in squalid slums threatened with eviction from their homes. Many have exhausted their limited savings and are living on charitable donations, which provide them with little more than subsistence levels of existence-in a land enjoying one of the highest standards of living in the world.
- Kuwaiti law explicitly excludes citizenship and residency decisions from judicial purview, thus preventing Bedoons from challenging governmental decisions denying them citizenship or lawful residence in the country. Because of this exclusion, Kuwaiti courts have only challenged the government's position on the Bedoons in the course of criminal proceedings where citizenship or residency status was relevant. In the few cases where Kuwaiti courts were able to examine the government's treatment of the Bedoons, they ruled that the Bedoons enjoy a special status that immunizes them, for example, from expulsion from the country. The government has ignored these rulings and since the end of the war issued over 24,000 expulsion orders for Bedoons.
- Most Bedoons interviewed possess documents indicating that they would have qualified for Kuwaiti citizenship had the process been applied fairly and transparently. The authority to decide citizenship is reserved for the Ministry of Interior and the Emir of Kuwait. Because this discretionary process has not been open to challenge, many Bedoons were denied citizenship simply due to the fact that the government failed to act on their applications or provide them with an adequate opportunity to prove their claims.
- By successively amending citizenship laws, the government limited the Bedoons' eligibility for citizenship. Many Bedoons were denied citizenship because the government failed to act on their applications in a timely manner, i.e., before the law was changed. The amendments were

implemented retroactively to applications submitted (but not acted upon) before the amendments were adopted.

The totality of the treatment of the Bedoons amounts to a policy of denationalization of native residents, relegating them to an apartheid-like existence in their own country. The Kuwaiti government policy of harassment and intimidation of the Bedoons and of denying them the right to lawful residence, employment, travel and movement, contravene basic principles of human rights. Bedoons clearly have a right to residence in Kuwait by reason of the simple test of their ties to Kuwait and no other-they have nowhere else to turn. Having lived in Kuwait for generations, treated as citizens for decades and repeatedly promised Kuwaiti citizenship, they acquired vested rights which may not be so arbitrarily taken away. It is an arbitrary policy that treats children born in Kuwait, including children of Kuwaiti mothers, as illegal residents who should leave the country, simply because their fathers were classified as stateless. This treatment is especially egregious considering that it was often government inaction which resulted in rendering the fathers stateless in the first place.

Denial of citizenship to the Bedoons clearly violates international law which puts wide-ranging and important restrictions on the state's discretion to regulate citizenship:

- Denial of citizenship and lawful residence to Bedoon husbands and children of women who are Kuwaiti citizens violates rules against gender-based discrimination since Kuwaiti men married to Bedoon wives may pass on their citizenship to their spouses and offspring. The Convention

on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Kuwait has signed, prohibits such discrimination in nationality laws.

- Denial of citizenship to the children of Bedoons, including children of Bedoon fathers and Kuwaiti mothers, violates the United Nations Convention on the Rights of the Child, which Kuwait has also signed.
- Denying Bedoons the right to petition the courts to challenge governmental decisions regarding their claims to citizenship and lawful residence in the country violates the universal right to due process of law and equality before the law.
- By retroactively implementing restrictive citizenship and residency laws, Kuwaiti authorities deprive Bedoons of their vested rights to Kuwaiti citizenship and permanent residence, which they acquired under more liberal laws.

While international law grants a state the authority to determine conditions governing the acquisition of its citizenship, this discretion may not be arbitrary. The policy must comport with acceptable principles of human rights, including the prohibition against rendering children stateless through invidious discrimination or because of their parents' stateless status.

The Universal Declaration for Human Rights, the International Covenant on Civil and Political Rights, CEDAW, the Convention on the Rights of the Child and the United Nations conventions on the treatment of stateless persons prohibit rendering children stateless. Since citizenship is the conduit through which persons enjoy basic rights, denying them citizenship in this manner is an arbitrary action that excludes them from the protection of the state and deprives them of the ability to enjoy their human rights.

As for eligibility of adult Bedoons who were not born in Kuwait to citizenship, the right to a nationality is enshrined in the Universal Declaration for Human Rights. While the declaration recognizes this right for individuals, the obligation to provide citizenship is imposed on states collectively. Subsequent international agreements were devised to apportion this obligation. Citizenship as a right is akin to the right to seek and enjoy asylum, in that the right is for the individual while the state obligation is collective. The state with the closest ties to the individual has the clearest obligation. There is no doubt that Kuwait is the country with primary responsibility for most of the adult Bedoons, since even if they were not born there, they have lived there most of their lives or have close family or other important ties. This obligation is especially binding on Kuwait since for decades and sometimes generations, Bedoons enjoyed a legal status in the country. They were settled there, granted legal status and given reasonable expectations of being citizens. They have no comparable claims to such rights in any other country.

For all of these reasons, Kuwait is under a clear obligation to end its arbitrary policies towards the Bedoons. Bedoons must be immediately granted the right to lawful residence and be permitted to travel and seek education and employment without discrimination. A fair process of conferring citizenship on those who qualify must also be instituted and be subject to judicial review. This process must also be consistent with Kuwait's obligations under human rights principles, including the treaties which Kuwait has signed, such as CEDAW and the Convention on the Rights of the Child, and those instruments that are part of customary law binding on all nations.

RECOMMENDATIONS

Human Rights Watch calls on the Kuwaiti government to rescind the discriminatory measures it has taken since 1985 towards the Kuwaitis it classifies as Bedoons. These steps have in effect denationalized the Bedoons, depriving them of protection and rights they enjoyed for generations and relegating them to an apartheid-like existence in their own country.

In particular, we urge the Kuwaiti government to take the following measures:

I. For all Bedoons remaining in Kuwait, estimated to be between 150,000 and 180,000, we urge the Kuwaiti government to:

- Restore the Bedoons' right to reside lawfully in Kuwait.
- Release all those who are held without charge or trial or solely by reason of their immigration status.

- Rescind deportation and removal orders, estimated by the government to affect nearly 24,000 Bedoons.
- Permit Bedoons to petition the courts for redress without discrimination.

II. For Bedoons who left the country during the Iraqi occupation or were forced or pressured to leave after the liberation of Kuwait, estimated at between 130,000 and 160,000, Human Rights Watch calls on the Kuwaiti authorities to:

- Permit the return of all those who were assigned Bedoon status before the Iraqi invasion on August 2, 1990.
- Priority should be given to family reunification and hardship cases.
- In the meantime, they should be allowed to collect their back wages and retirement benefits from their past service in the Kuwaiti government.

III. For all Bedoons who were classified as such in 1985 when regulations changed, we call on the Kuwaiti government to rescind all discriminatory measures instituted since 1985. In particular,

- Bedoons should be permitted to travel within and outside the country with a right to return. Kuwait should resume the issuing of travel documents to Bedoons, without requiring them to accept a non-return visa.
- Lift the ban on their driving cars.
- Restore the right of Bedoon children to education, private or public, and their access to health care.

IV. Citizenship

We urge the Kuwaiti government to take immediate steps to normalize the status of the Bedoons and nationalize all those who are entitled to Kuwaiti citizenship by virtue of birth, marriage or long residence in the country. Towards this goal, we call on the government to:

- Revoke the ban on courts hearing cases brought by Bedoons on issues of citizenship and residence. At minimum, the Administrative Court Charter should be amended so that these two issues are not excluded from its jurisdiction.
- Establish open and transparent procedures for hearing petitions for citizenship and permanent residence, subject to judicial review.
- Grant citizenship to children of Kuwaiti mothers and Bedoon fathers, at par with children of Kuwaiti fathers and Bedoon mothers, in accordance with the requirements of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which Kuwait has signed.
- Grant citizenship to those Bedoons who are able to demonstrate that they were eligible for Kuwaiti citizenship under Law 15 of 1959, before it was amended.
- Grant citizenship to those Bedoons born stateless in Kuwait, in accordance with international law, including the United Nations convention on the Rights of the Child, which Kuwait has signed.
- Amend nationality legislation to reduce statelessness in Kuwait by granting citizenship to those Bedoons who have close family ties to Kuwait or lived for a long time there.
- Until their petitions for citizenship are fully adjudicated under standards consistent with the requirement of international law, Bedoons should be allowed lawful residence.

- Those Bedoons who were classified as such in 1985, but are now deemed ineligible for citizenship, should still be permitted to reside in Kuwait permanently, travel freely and seek employment.

For all other Bedoons as well as foreign residents, fair, open and transparent procedures should be established for determining their national or immigrant status. All administrative decisions on these matters must be subject to judicial review.

INTRODUCTION

The violent abuses committed in Kuwait since its liberation in February 1991, such as extrajudicial killings, torture, large-scale arbitrary arrests and summary deportations, have been the focus of many reports, including those of Human Rights Watch and other human rights organizations.¹ Kuwait also practices a somewhat unique system of institutionalized discrimination against its residents known as Bedoons, long-time inhabitants who have been denied the full status of citizens and are now rendered stateless. To our knowledge, this report is the first of its kind to discuss the systematic discrimination against Bedoons.

Denial of employment, freedom of movement and the threat of arbitrary arrest and deportation are some of the problems Bedoons face daily because the government has decided that they are no longer eligible to reside in Kuwait, their own country. At the same time, tens of thousands of Bedoons who fled Kuwait during the Iraqi occupation have been barred from returning to their homeland.

Bedoons number about 300,000 persons, one third of Kuwait's native population. About one half are in Kuwait while the rest are living in exile, primarily Iraq, where they took refuge during the Gulf War. Although most Bedoons have lived in Kuwait all their lives-many Bedoon families have lived in Kuwait for generations-Bedoons are not considered Kuwaiti citizens. In 1985, after decades of treating them as citizens and promising then formal citizenship, the Kuwaiti government suddenly declared them illegal residents, despite rulings to the contrary by Kuwaiti courts, and despite the fact, by reason of the simple test of their ties, Kuwait is their country and they had nowhere else to turn.

Classified as illegal residents, Bedoons no longer could live legally or work in the country, send their children to school or travel. They are no longer issued civil identification cards, driver's licenses or travel documents. After treating them for so long as legal residents-albeit an underclass and a pool of cheap labor-the Kuwaiti government embarked on a policy of harassment and intimidation, mass firings and summary deportations, in an apparent attempt to drive the whole community out of the country or dramatically reduce its size.

On the eve of the Iraqi invasion on August 2, 1990, most of the Bedoons had been living in abject poverty, because of the economic deprivation caused by the mass dismissals. They were also under the threat of deportation from their own country. In September 1990, the Iraqi occupation authorities ordered, under the penalty of death, all non-Kuwaiti citizens living in Kuwait to join the Popular Army, the militia that supported the Iraqi Army. Failure to provide evidence of registration with the militia was grounds for immediate imprisonment. Some Bedoons therefore registered with the Popular Army. While some may have joined voluntarily, many felt they did not have a choice. Still many Bedoons joined the Kuwaiti resistance against the Iraqi occupiers and many died at the hands of the occupation forces. Out of 320 people known to have been killed in resistance acts, eighty two were Bedoons.²

Since Kuwait's liberation in February 1991, the policy introduced in 1980s was accelerated in an attempt to drive remaining Bedoon residents out of the country. All the Bedoons who had been employed by the Kuwaiti government were dismissed *en masse*, retroactively from August 2, 1990, the day Iraq invaded. Other than those re-instated by the police and the military, very few have been rehired by their former employers. Only a fraction of those who used to serve in the military and security forces have been rehired. In May 1995, it was officially estimated that 25 percent of Kuwait's twenty-thousand-strong army were Bedoons³, from a pre-war high of nearly 80 percent. Kuwaiti officials have made it known that they wish to reduce the number of Bedoons in the armed forces. A senior official called for the armed forces to be "kuwaitized", not by granting citizenship to Bedoons, but by replacing them with Kuwaiti citizens.⁴

Because a few Bedoons joined the Iraqi militia known as the Popular Army-most of whom were in fact coerced by the Iraqi government to join-the whole community has been placed under indictment for collaboration, and under the threat of eviction from Kuwait. When after liberation the Kuwaiti government gave residency permits to foreigners, Bedoons were deemed ineligible for these permits because they could not produce foreign passports. This was a dramatic reversal, since for decades they had been treated as citizens and as such exempted from the need to secure a residency permit. While awaiting their fate, Bedoons are not allowed to work or to receive welfare, and their children are not allowed to go to school. Since they no longer carry valid documents, they are subject to immediate arrest at police checkpoints, forcing many into self-imposed house arrest.

Kuwaiti courts in the past rejected the government's attempts to treat Bedoons as foreigners in the application of the Foreign Residents Act of 1968, and ruled that Bedoons enjoyed a special status that immunized them, for example, from expulsion from the country. However, because government decisions regarding citizenship and residency rights are exempted by law from the purview of courts, Kuwaiti courts have only challenged the government's position on the Bedoons in the course of criminal proceedings where citizenship or residency status was relevant.

ORIGINS OF THE BEDOONS

The word "*bedoon*" is from the Arabic phrase "*bedoon jinsiyya*," literally meaning either "without nationality" or "without citizenship." The phrase was originally the official designation for anyone whose qualification for Kuwaiti citizenship was in doubt. The phrase was later officially replaced with terms such as "Non-Kuwaiti" or "Undetermined Nationality," but Bedoon is still the most common designation. The term should not be confused with Bedouin, from the Arabic word "*badawi*," meaning nomad (the plural is "*badu*," or the more colloquial "*bidwan*"). Although many of the Bedoons are of Bedouin origin, most of them have long settled in the urban centers of Kuwait, and many have never lived a nomadic life.

The Bedoons are a heterogenous group which includes a substantial number of people-perhaps the majority of all Bedoons-who were born in Kuwait and have lived there all their lives. Sometimes they lack citizenship because a male ancestor neglected to apply for it when citizenship regulations were first introduced in 1948 and later in 1959, in anticipation of independence in 1961.⁵

In addition, children of Kuwaiti mothers married to foreign or stateless fathers were denied Kuwaiti citizenship. Unless they were able to acquire the father's nationality, they too were considered Bedoon, thus steadily increasing the number of persons classified as Bedoons.⁶ Members of tribes whose territory once extended between Kuwait and its neighbors, and whose allegiance was traditionally to the tribe were denied citizenship and classified as Bedoons, although large numbers of them have long been settled in urban areas in Kuwait.

Kuwaiti officials also believe that among the Bedoons there are nationals of other states who have hidden their nationality to facilitate staying in Kuwait. Because of the alleged existence of this last category, the officials insist, contrary to the facts, that all Bedoons are foreigners and can be expelled whenever the Kuwaiti government chooses to do so. This view has been reiterated repeatedly by officials in private, in meetings with Human Rights Watch and in public.⁷

The Bedoon Population

According to official documents Human Rights Watch obtained from the Kuwaiti Ministry of Planning, there were over 260,000 Bedoons at the time of the Iraqi invasion.⁸ Using a population growth rate of 3.5 percent, the total number of Bedoons in mid-1995 would be over 310,000.⁹ Between 150,000 and 180,000 are in Kuwait, while the remainder are in exile, mostly in Iraq.

Until 1988, the number of Bedoons was included in the total number of Kuwaiti citizens in official population statistics. But starting in 1988, the government subtracted the number of Bedoons from the citizen population and added it to the number of foreign residents.

The Annual Statistical Abstracts, the authoritative statistics issued yearly by the Ministry of Planning's Central Statistical Office, included the number of Bedoons in the total Kuwaiti citizen population until the 1989 statistical year, when their number was added to the alien population. We relied on these official figures to estimate the number of the Bedoons. For example, in the 1988 issue of the Ministry of Planning statistics (published in 1989), the total number of citizens was 767,295 for mid-1988. The 1990-91 issue gave the number of citizens for mid-1988 (the same year) as 527,448. The difference of 239,847 was the number of Bedoons at the time, constituting 31.3 percent of the *native* population, i.e. excluding expatriates. The official statistics show that in mid-1989 Kuwait's population was 2,040,961. The citizens were 545,738, the Bedoons 250,651 and the rest expatriates. Using a growth rate of 3.5 percent, the number of Bedoons in mid-1990 would be 262,324, and in mid-1995 would be 311,559. The 3.5 percent growth rate is a conservative estimate for Kuwait, as the officially calculated rate is 3.79 percent for the native population. At this rate, the number of Bedoons in mid-1995 would be 315,948.

Although there was sometimes a tendency to undercount them, the number of the Bedoons was not subject to much dispute before the Iraqi invasion. Despite the anti-Bedoon policies adopted in 1985, the Kuwaiti government continued to include the number of Bedoons in the total number of citizens. In late 1988, Kuwaiti officials began to report the statistics separately. In November, in answer to a question in the Parliament, the Minister of Interior said the Bedoons numbered "approximately 200,000." In April 1989, the Minister of Interior reported to the parliament that Kuwaiti citizens were estimated at 540,000 (28% of the total population) and Bedoons at 225,000 (12% of the total population). The remaining residents-estimated at 1,120,000 or 60% of the population-were foreigners. The Ministry of Planning followed suit. In its new

statistical series, it subtracted the number of Bedoons from the citizen total and added their number to the foreign population.

After liberation, the government became less forthcoming with estimates of the number of Bedoons still living in Kuwait, issuing conflicting estimates. According to figures provided to the National Assembly by the Ministry of Interior in early 1993, the number of Bedoons remaining in Kuwait was about 123,000 as of January 1993. Using the 3.5 percent growth rate, in mid-1995 the number of Bedoons still in Kuwait would be over 134,000. Using the officially calculated rate of 3.79 percent, this number would be almost 135,000. This figure is believed by Bedoons and experts to be a serious undercount of the number of Bedoons still in Kuwait; they estimate this number to be about 180,000.¹⁰

Although many individual Bedoons are professionals and successful businessmen, the majority of Bedoons live in poor conditions since they do not enjoy the public services, benefits and opportunities for education and employment to which citizens, and to some extent foreign residents, are entitled.¹¹ Since 1985, because of government-imposed restrictions on employment, many Bedoons were allowed to work only for the security forces. Most of those who worked for the security forces before the invasion were dismissed after liberation. Most Bedoon neighborhoods are squalid slums that are kept under close surveillance by security services.¹²

A majority of Bedoons say that they would qualify for citizenship if they were given an opportunity to prove their entitlement under the law. They point out that many would satisfy the stringent requirements for full (first class) citizenship stipulated in Article 1 of the Citizenship Law: "Kuwaitis are those who settled in Kuwait before 1920 and maintained their normal residence in Kuwait until the publication of this Law." Others would meet the requirements for "second class" citizenship, i.e., citizenship without the right to vote. The main legal requirement was uninterrupted residence in Kuwait for a set period, depending on national origin and other criteria. Most Bedoons interviewed by Human Rights Watch provided documents showing that they have lived in Kuwait long enough to satisfy these requirements. However, because the qualifying periods were repeatedly increased and the secret procedures for applications were made exceedingly onerous, most of them were denied citizenship.

During a hearing before the Kuwaiti National Assembly on July 1, 1986, Shaikh Salem Sabah al-Salem al-Sabah, Minister of Interior, said that the Ministry had received the applications of 25,522 Bedoons who claimed they were entitled to citizenship of the first class and 37,689 who said they qualified for citizenship of the second class. These figures did not include dependents of the applicants, which would expand the total number to over 200,000. The Minister further told the Assembly that he believed that "90% of them are lying."¹³ When Law 100 of 1980 opened the registration for citizenship for one year, 72,259 registered for citizenship between December 21, 1980 and December 21, 1981, according to Ministry of Interior's figures, but most applications were rejected without giving reasons.¹⁴

Kuwaiti citizenship was granted only following these brief periods of registration. As a consequence, residents did not have an adequate opportunity to prove their claim to citizenship, especially in the cases of minors and illiterates who were not able to take advantage of the registration process. The committees that heard claims of citizenship were secret internal bodies of the Ministry of Interior whose decisions were final.¹⁵

Statelessness of the Bedoons: An Official Artifice

Most of today's Bedoons fit the definition of the 1954 Stateless Status Convention, in that they are not considered nationals of any state. They arrived at this situation either because of Kuwaiti law or the long-established practice of Kuwaiti authorities. Bedoons were either rendered stateless de jure, i.e., by the Kuwaiti citizenship law as stated, interpreted and amended by the government; or de facto, when they were excluded in practice from the scope of the law.

The de jure statelessness of children born to Kuwaiti mothers and Bedoon fathers is also a pure creation of Kuwaiti law. Other Bedoons were rendered stateless de facto, i.e., although they might have been nationals of other states at some point, they were treated by the government as citizens for a long time, thus encouraging them to shed their earlier affiliation and lose their offspring claims to citizenship elsewhere. Unlike most foreigners who lived in Kuwait, Bedoons were treated as citizens while they waited to receive de jure citizenship, which they reasonably expected to take place. Children born in Kuwait to Bedoons who were treated as citizens never established a claim to citizenship elsewhere, also became stateless. Frequently, the de facto exclusion from the scope of the law became de jure when the government amended the law to restrict eligibility and applied it retroactively to those who had qualified for citizenship before the law was amended.

During the period preceding 1985, Kuwaiti authorities treated Bedoons as citizens and distinguished them not only from other foreign residents but also from other groups of stateless residents, such as Palestinians from Gaza who carried Egyptian travel documents. The rights of foreigners, including those with stateless status other than the Bedoons, were governed by legislation regulating foreign residence and

employment. Before 1985, there was no attempt to apply those laws to Bedoons.

When Kuwait regulated its citizenship on the eve of independence from Britain, it sowed the seeds of statelessness for thousands of residents. As discussed earlier, in the 1959-1960 period, in preparation for Kuwait's independence in 1961, the authorities attempted to register all residents of the country and identify citizens. The special committees formed to determine the citizenship status of residents were not able to make decisions on many of the applications. Slightly over one third of the native population was recognized as full citizens and another third was granted partial citizenship rights. The remainder were considered "potential" citizens; told that they were being considered for citizenship and issued documents that identified them as "without citizenship," (*bedoon jinsiyya*). Nevertheless, they were treated as Kuwaiti citizens, regarding residence rights, employment and access to social services, including free education and health care.

Bedoon jinsiyya was later shortened to "Bedoon". Most understood the designation to be temporary until their claims were verified. That was how the label was understood by government agencies and the courts, as well as by ordinary citizens. The government repeatedly stated its intention to grant citizenship to the Bedoons. Committees to re-examine their citizenship applications were to be formed. In the meantime, they were to be treated exactly as citizens with the exception of the vote. For these reasons, most people did not pay much attention to the differentiation between citizens and Bedoons and many were not aware of it. Members of the same family had different citizenship statuses: some were "first class", others "second class" and still others were Bedoons.¹⁶ Bedoons for the most part could not be distinguished in their appearance from native Kuwaitis. Nor could they be distinguished by their clan names, since clan members could belong to any of those citizenship categories.

"First class" and "second class" designations are not official designations but the popular phrases in Kuwait. First-class citizens are those entitled to citizenship under Article 1 of the 1959 Citizenship Law. The main legal requirement is to prove that they, or their male ancestors, have settled in Kuwait since 1920. Second class citizens are naturalized; those upon whom the government confers citizenship under other clauses of the law. Second-class citizens may not vote and they may be easily stripped of their citizenship.

Although the Bedoons continued to be treated as citizens and were repeatedly promised formal citizenship, their applications for citizenship were mostly shelved. The requirement most difficult for Bedoons to meet was to provide proof that an applicant's father was a "settled" resident of Kuwait before 1920 and that he maintained continuous residence in the country until the time of the application. In 1920, most residents of Kuwait's outlying areas were illiterate. Involved in limited agricultural activity, animal husbandry and small scale commodity trading with nomads of the hinterland, these residents, many of whom were nomadic, conducted their business transactions verbally and had no reason to maintain records related to their citizenship. For centuries, they had near complete freedom of movement in what is now Kuwait and the surrounding countries. Requiring them to prove that they were settled in Kuwait before 1920 was in itself a difficult requirement to satisfy. Although thousands of Bedoons who were able during the registration period to provide convincing evidence to satisfy this condition, they were still denied citizenship through the government's failure to act on their applications.

Another key factor in denying Bedoons citizenship was the government's frequent amendment of the Citizenship Law in order to restrict eligibility. By repeatedly amending the Citizenship Law between 1960 and 1987, the government made it successively more difficult to qualify and required Bedoons to satisfy each additional requirement imposed by new amendments. The government rejected the notion that Bedoons acquired vested rights under the law before it was amended, contending that citizenship is a privilege conferred by an administrative decision and not a right acquired merely by satisfying the requirements stated in law.¹⁷ By 1987, thousands of those who could have qualified under the 1959 citizenship law, for example, no longer qualified under the terms of more stringent regulation, which were applied retroactively. One of the most drastic changes was repealing the right to citizenship for children born in Kuwait to stateless fathers and Kuwaiti mothers.¹⁸

As detailed earlier, until 1988, the Kuwaiti government did not announce the total number of Bedoons, who were counted among the total Kuwaiti citizen population. In late 1988, the government began publicly reporting separate figures for citizens and Bedoons. When government agencies started to treat Bedoons as foreigners, courts overruled government decisions in the few cases brought before the courts involving issues of Bedoon legal status. Since citizenship and residence issues are excluded by law from the competence of Kuwaiti courts, the only time a court could look into the Bedoons legal status was when some other issue was brought before it and where the legal status of the defendant was significant. In 1987, a criminal court acquitted a Bedoon man of the charge of unlawful residence:

[T]he defendant was born in Kuwait without citizenship (*bedoon jinsiyya*), and so were his wife and children [I]ndividuals so described are residents of Kuwait who are commonly perceived as neither citizens nor foreigners. No evidence was presented [to the effect] that the defendant carried Iraqi citizenship or any citizenship other than Kuwaiti citizenship. For these reasons, the court ruled that the defendant's presence in Kuwait was legitimate, just as the residence of all the other citizens without citizenship is legitimate. Since his entry into the country was lawful and his residence thereof legitimate, the court finds the charge he was accused of without basis in the law and he therefore

is declared not guilty.¹⁹

In another case in 1988, the Appeals Court rejected the government's attempt to treat a Bedoon as a foreigner in the application of the Foreign Residents Act of 1968, and recognized the special status to which the Bedoons were entitled. In this landmark June 1988 decision, the Appeals Court ruled:

There is no doubt that the foreigner who is subject to deportation according to Article 79 of the Penal Code and the Foreign Residents' Act is the foreigner who belongs to a state other than the State of Kuwait and carries the citizenship of that state. Non-Kuwaiti residents of Kuwait who do not belong to another state and do not hold its citizenship but who are deprived of Kuwaiti citizenship for one reason or another-but enjoying nevertheless the same privileges as Kuwaiti citizens, except for those privileges that derive directly from citizenship-are treated in a special way that is distinct from the treatment of foreigners. They cannot be legitimately considered foreigners in applying Article 79 of the Penal Code or the Foreign Residents Act.

The government ignored the courts' opinions and continued to issue deportation orders administratively, i.e., without securing court decisions to deport. In order to legitimize its decision ending the equal treatment of Bedoons, the government introduced new labels to describe the Bedoons. Among the terms adopted in the 1980s were "Non-Kuwaiti" and "Of Undetermined Nationality," neither of which were used much outside the bureaucracy: both designations were meant to deny the Bedoons' link to Kuwait as citizens. The labels implied that they were not stateless residents who may be entitled to special consideration. Since 1993, government documents have referred to Bedoons as simply "illegal residents," similar to the other illegal aliens who are citizens of other states and as such liable to immediate imprisonment and summary deportation. In April 1995, the Kuwaiti press reported that since liberation, over 24,000 Bedoons had been issued expulsion orders, according to official sources.

DENATIONALIZING OF THE BEDOONS: 1985

Until the mid-1980s, Bedoons were treated as Kuwaiti citizens with regard to freedom of their travel-they were issued temporary passports²⁰-and eligibility for government employment and services, including education, health care and welfare. Bedoons constituted an overwhelming majority in the army and police; over ninety percent of the rank and file, although not the officers, were Bedoons. Only Kuwaiti citizens and Bedoons were allowed to enlist; foreigners were hired only as advisers, usually on fixed contracts.²¹

In the fall of 1985, the Kuwaiti government adopted a policy proposed by Shaikh Salem al-Sabah, then-Minister of Interior, aimed at driving the Bedoons out of the country. The policy details were kept secret, but its effect was felt as it was implemented gradually over the following months and years.²²

In April 1986, the government restricted eligibility for travel documents (*laissez passers*) which used to be issued to the Bedoons. Under the new rules, these documents, the closest thing to a passport proving a Bedoon's Kuwaiti nationality, were given only to those Bedoons traveling abroad for officially-sponsored medical treatment, in addition to long-term employees of the army and police. All others were made ineligible to receive these travel documents unless they renounced their right to return to Kuwait.

The crackdown intensified. Later in 1986, the government ruled that all its employees had to produce valid passports or risk losing their jobs. Private businesses were also told to adopt a similar policy. Since Bedoons were not issued passports, thousands were dismissed from their jobs between 1987 and 1990 for failure to produce passports, Kuwaiti or otherwise. Only those Bedoons serving in the army and police were allowed to keep their jobs and were issued residency papers.

In 1987, the Interior Ministry banned the issuing or renewal of driver's licenses to Bedoons, except for those in the military or police. The order also banned the registration of cars to Bedoons. This ban has been more vigorously enforced since liberation in February 1991. In addition to its arbitrary nature, the ban on driving has caused considerable hardships because of the limited public transportation system. Most Bedoons live in areas far from the City of Kuwait, where most services, including hospitals and government offices, are located.

Public education to which Kuwaiti citizens are entitled is denied to the children of the Bedoons, most of whom are too poor to afford private education. Moreover, private schools have been instructed not to accept pupils without valid residency permits. For the time being, some private schools have occasionally overlooked this requirement on a case-by-case basis, thus allowing those families with the means to do so to send their children to school.

In 1988, Bedoons were barred also from attending universities, a ban that has continued since then, depriving thousands of eligible college-age students of university education. Because they no longer receive passports, these students may not leave the country to seek education elsewhere (They can only get passports if they renounced their right to return to Kuwait). This hardship is compounded by the fact that there are no private colleges in the country.

Also in 1988, all Kuwaiti associations, including the Kuwaiti Medical Association and the Lawyers Association, were instructed by the Ministry of Labor and Social Affairs to dismiss their Bedoon members; most of them complied.

Human Rights Watch interviewed scores of Bedoons who were among the early victims of these policies. S. al-Shatti, a Bedoon who provided documents showing that he has lived in Kuwait since 1937, was dismissed from his government job in 1988; his passport was not renewed and his driver's license was withdrawn. These actions were taken without due process of law and despite the fact that since 1959 he has been married to a Kuwaiti citizen (They have two daughters, ages thirty and eighteen years, and three sons, ages twenty nine, twenty three and twelve-all born in Kuwait). Although a citizen, the wife may not pass on her citizenship to her children or husband. In addition, she may not sponsor her husband and adult children for more than one year to enable them to stay in Kuwait legally. Since her children are also classified as Bedoons and as such may not be issued driver's licenses, only she can legally drive the family car.^{[23](#)}

Another case is that of F. H., who was born in 1957 in Kuwait to a Kuwaiti mother and a Bedoon father. After her parents divorced in 1958, her mother became her only supporter since the family lost touch with the father soon after the divorce. Although the marriage of her parents was dissolved, F.H. was not granted citizenship as is provided for in the law.^{[24](#)} Moreover, in 1988, she was dismissed from her job at the Ministry of Communications for lack of citizenship papers.^{[25](#)}

The case of Ghaleb Hussein Jaber, a Bedoon obstetrician and gynecologist, illustrates some of the forms of harassment inflicted on the Bedoons during the late 1980s. Although the government appeared to have reasons other than his Bedoon status to harass Dr. Jaber, he was vulnerable to retaliation because of his status. He was born in Kuwait in 1954, but since his father was not able to satisfy citizenship committees with proof that he qualified for citizenship, all the family members were classified as Bedoons. In keeping with the practice at the time, Ghaleb, classified as Bedoon, was nevertheless treated as a citizen: he studied in Kuwaiti public schools and, in 1974, was sent abroad on a government scholarship to study medicine, travelling on a Kuwaiti passport. Upon graduating from Egypt's Alexandria University in 1981, he returned to Kuwait and practiced medicine at government hospitals, first at al-Farwaniyya General Hospital, then at the Maternity Care Division of the Ministry of Health, and finally at al-Addan General Hospital.

Dr. Jaber was active in the movement to restore democracy in Kuwait, after the National Assembly was dissolved (in 1976 and later in 1986). He was also active in the Kuwaiti Medical Association, where he expressed public opposition to the Kuwaiti government's support for Saddam Hussein in the war with Iran. He argued that the Association should provide medical assistance to the victims on both sides.^{[26](#)} This position alienated Dr. Jaber and brought about pressure from the Iraqi government, whose embassy in Kuwait was very influential at the time.

In July 1988, Dr. Jaber was dismissed from his job when he failed to produce citizenship papers. He was also dismissed from the Kuwaiti Medical Association, at the order of the Ministry of Health, for the same reasons. Although he was married to a Kuwaiti citizen with whom they had two children, he was ordered deported.

On August 16, 1988, Dr. Jaber was arrested, his Kuwaiti passport confiscated, and he was taken to the Deportation Prison in Kuwait. He was told that he would be deported to Iraq, where the Kuwaiti government contended his family originally came from. It was obvious that he faced jail or a worse fate in Iraq, if he were to be deported there, since his criticism of Saddam Hussein was well known.

He spent a month in the crowded, dismal Deportation Prison, where more than 600 other deportees-many of them Bedoons-were held. While awaiting deportation, the South Yemeni government agreed to his request to be deported to Yemen instead of Iraq, and he arrived in Aden on September 13, 1988.^{[27](#)} He was granted a temporary Yemeni passport and was able to practice medicine in Yemen and later the United Arab Emirates. Dr. Jaber was able to avoid the fate of most deported Bedoons-who were left on the Iraqi/Kuwaiti border-because of his marketable skills and connections within Kuwait and abroad.

Since his deportation in 1988, Dr. Jaber has attempted repeatedly, but unsuccessfully, to get permission to return to Kuwait, where he had lived most of his life, where his wife is a citizen, and where many of his close relatives live. In early 1993, he was granted asylum in New Zealand; he expects to get New Zealand citizenship in 1996.^{[28](#)}

Some Bedoons dismissed from their jobs following 1985 attempted to secure foreign passports enabling them to return to work, for the government at the time promised that those with foreign passports would be re-hired. Some sought foreign passports to help them emigrate to more hospitable lands. Those Bedoons who were members of clans straddling the borders of neighboring countries-Iraq, Saudi Arabia and Syria-sought to acquire passports from those countries. Some, with family ties in these countries, were able to take advantage of their more liberal citizenship laws. Others, with only dubious links to these countries, probably resorted to questionable means to acquire passports. In desperation, some Bedoons broke the law and paid large sums to secure foreign passports, apparently illegally in some cases, according to Bedoons interviewed by Human Rights Watch.²⁹ There have been several cases in the United States and Europe in which Bedoons who had been stranded without Kuwaiti travel documents tried to immigrate using apparently false passports, resulting in their detention by immigration authorities.

THE IRAQI OCCUPATION AND THE LIBERATION OF KUWAIT

On the eve of the Iraqi invasion on August 2, 1990, most of the Bedoons were living in abject poverty, having been dismissed in large numbers from their jobs in the civilian government and private sector. They were also living under the threat of deportation. In September 1990, the Iraqi occupation authorities ordered, under the penalty of death, all noncitizen residents of Kuwait to join the Popular Army, a militia that was formed to support the Iraqi Army. Failure to provide evidence of registration with the militia was grounds for immediate imprisonment. While few Bedoons may have registered with the Popular Army willingly, out of a need for a job or for other reasons, those who joined have convincingly said that they feared for their lives and liberty if they did not register-a fear that Kuwaiti citizens did not have to face since the Iraqi authorities did not require them to register or serve. In addition, some Bedoons who in fact did register and may have collected salaries have pointed out that they never served in the Iraqi militia, which provided support in guard duty in markets and other public places. While none of the Bedoons interviewed by Human Rights Watch said that they joined the Popular Army voluntarily, some said that they knew of others who did "because of the way they had been treated by their Kuwaiti brothers in the five years before the invasion," according to one interviewee, a former military man who stayed in Kuwait during the invasion.³⁰

Seizing on the fact that a few individual Bedoons joined the Popular Army, many Kuwaitis have indicted all Bedoons for collaboration. Anti-Bedoon policies took a drastic turn to the worse and their persecution intensified. In their hunt for collaborators, Kuwaiti authorities and individuals have overlooked the fact that Bedoons fought valiantly against the Iraqi invasion. Close to one third of all native Kuwaitis killed by Iraqi forces were Bedoons. Thousands of Bedoons who served in the military and police were taken prisoner by the Iraqi occupying forces. Many are still missing and others are stranded abroad after their release from Iraqi detention because Kuwait refuses to permit their return. The martial law trials, held in the months following the war, failed to prove the government's often repeated claim that Bedoons as a group collaborated. The prosecutors and the martial law courts utilized draconian measures to convict defendants of collaboration, which was so broadly defined as to include minor acts of association with the enemy. For example, school teachers and nurses who worked during the occupation were charged with collaboration. A martial law court sentenced to fifteen years in prison a man accused of wearing, during the occupation, a T-shirt with a picture of Saddam Hussein on it.³¹ Yet only twenty Bedoons were convicted, a minuscule fraction of the community and a figure comparable to that of the twenty Kuwaiti citizens also convicted of collaboration.³² A twenty-eight-year-old Bedoon man, unemployed since 1984 when he was dismissed from his job in the Ministry of Education, told Human Rights Watch that it was true that there were a few Bedoons who collaborated: "There were Kuwaiti, Bedoon and other collaborators but the Bedoons are always the scapegoats."³³

Some Kuwaiti officials blamed the Bedoons for the army's failure to stop the Iraqi invasion, since the Bedoons constituted the overwhelming majority of rank and file-although not the officers-of the armed forces. These officials privately questioned the loyalty of the Bedoons to Kuwait. But such accusations ignore both basic facts that Iraq's military power was far greater than Kuwait's and that many Bedoon soldiers died resisting the invasion. A Bedoon former government employee, who stayed in Kuwait throughout the occupation, told Human Rights Watch:

Some Kuwaiti officials may say, and even believe, that most Bedoons have Iraqi origins; but when Iraq invaded on August 2, the Bedoons opposed Iraq. If they had felt loyal to Iraq, they could have fought with Iraq. But in fact, all Bedoons reported to their military bases on August 2 and many of those killed or taken prisoner by the Iraqis were Bedoons. The problem was that officers did not have orders to fight, and that top officers, including the Chief of Staff and his deputy, fled.³⁴

As mentioned earlier, many Bedoons resisted the Iraqi occupation and many fell defending the country; nearly one third of those killed by the Iraqi occupiers were Bedoons. Some risked their lives smuggling arms, sensitive information and government officials in and out of the country. Bedoons who were arrested by the Iraqi occupiers were largely ignored by Kuwait. If they were allowed to return to Kuwait at all, they were not always treated like their citizen brothers. A Bedoonformer POW told Human Rights Watch that when the Iraqi government repatriated Bedoon soldiers following the end of the war, the returning POWs were subjected to indignities by Kuwaiti officials. As POWs

arrived at the airport and border, the government differentiated between citizens and Bedoons by lining them up separately. Moreover, he said,

We were shocked to find out that our families-unlike the families of our brothers the POWs who were Kuwaiti citizens-had not been taken care of by the government. Our Iraqi jailers treated us the same; at first they tried to separate Bedoons and treat them better, but the Bedoon POWs refused the preferential treatment. We could have escaped or received better treatment if we had said that we were not Kuwaiti. Before we were taken to Iraq, we were kept at the Juvenile Detention Facility [in Kuwait] and the Iraqis asked who was Bedoon; they would have let them go. They [the Bedoons] wouldn't say it; they wanted the same fate as the rest of the Kuwaitis. We celebrated Kuwait's liberation but were shocked at how we were received. We thought that the government and the country had changed. Yet you hear many people talk only about those who collaborated.³⁵

BARRING THE RETURN OF BEDOONS AFTER LIBERATION

During the seven-month Iraqi occupation of Kuwait, most residents of Kuwait fled to neighboring countries to escape the threat of war and the atrocities of the Iraqi occupiers. Most of Kuwait's 570,000 citizens sought refuge in Saudi Arabia and the neighboring Gulf states, while most of the foreign residents went back to their home countries. Lacking travel documents to enable them to leave or travel through Saudi Arabia, most of the 260,000 Bedoons were not able to leave Kuwait, except to enter Iraq. Having annexed Kuwait as its "Nineteenth Province," Iraq naturally did not require passports from those coming from Kuwait.

Access to Saudi Arabia was extremely restricted for the Bedoons, who were frequently turned away or interned at the border. Saudi authorities permitted entry into its territory to only those Bedoons who were approved by the Kuwaiti Reception Committee, a committee set up by the Kuwaiti government-in-exile in the Saudi town of al-Khafji, near the Kuwaiti-Saudi border. The committee usually approved only Bedoons who could demonstrate that they had been on active military duty. However, carrying documents showing that a person was in the military or security forces was quite risky. Iraqi occupation forces automatically detained all those found in Kuwait with military identification papers. This led many military Bedoons to limit their movement and hide their military identification papers. Those who fled the country to Saudi Arabia therefore took great risks. They were frequently motivated by a desire to join the liberation forces or take care of medical emergencies.

Once they reached Saudi Arabia, arriving Bedoons were interned at a camp near the border while their requests for admission were being investigated.³⁶ A. al-Adwani, a thirty-eight-old former soldier, fled Kuwait in September 1990 with his wife-a Kuwaiti citizen-and four children, to escape arrest by the Iraqi occupiers. They entered Saudi Arabia through al-Khafji-where most Kuwaitis entered Saudi Arabia-but for four months they were not allowed beyond the border. During the four months, he said,

I, my pregnant wife, and four children had to live from inside our car, in a barb-wire-fence camp which we were not allowed to leave. At some point there were two hundred and sixty families-some 1,500 persons, all apparently Bedoons and most from the military-in this camp. Eventually some 200 families were allowed into the country. The remaining 50-60 families-all Bedoons-could not, including us. Each family was three-to-eight

members strong. We were still at the camp when the Iraqis were able to penetrate Saudi defenses and briefly occupy al-Khafji [in January 1991]. Many of the families in the camp took advantage of the chaos and escaped the camp into Saudi Arabia.³⁷

In addition, as a Bedoon who remained in Kuwait throughout the occupation explained to Human Rights Watch, the Iraqi authorities required those who wanted to cross into Saudi Arabia to surrender their passports before being allowed to leave: "Since the Bedoons did not have these documents, the only place to which they could leave was Iraq." Most Bedoons, he explained, stayed until just before the air war started on January 17, 1991, when they sought refuge in Iraqi villages and other remote areas where they thought the fighting would not spread. Besides, many Bedoons have distant relatives-more accurately fellow tribesmen-in Iraq. The two large tribes Shammar and Aneza, to which many Bedoons belong, are spread between Iraq, Kuwait, Saudi Arabia and Syria.³⁸

The overwhelming majority of the Bedoons whose return has been blocked by the Kuwaiti government still express their desire to return to Kuwait, where most were born, lived most of their lives or have close family ties. Some of them have managed to secure refugee status in other countries, but most have not. Frequently, Human Rights Watch received information about Bedoons detained in immigration facilities around the world, because they lack authentic travel documents.

While Kuwaiti citizens returned following the liberation of Kuwait on February 26, 1991, most of the Bedoons who attempted to go back were blocked at the Kuwaiti borders. In the months following liberation, thousands of Bedoons were stranded in refugee camps at the border. A

number of them had been detained by Iraqi occupying forces, taken to Iraq during the occupation and then released after the war.

Thousands of Bedoons, refused admission into Kuwait, were stranded for eight months at a displaced persons camp in the middle of the desert at al-Abdali border post. The population at the camp fluctuated, reaching close to 5,000 in May 1991, and included families with small infants. The numbers declined as the majority of its residents decided to wait in more hospitable surroundings in Iraq while the Kuwaiti government deliberated on their fate. Having heard the news about the mistreatment of the Bedoons at the hands of their Kuwaiti brothers, many left the camp because they feared for their safety if they were to enter Kuwait. By the time the camp was dismantled in October, only six hundred residents remained, most of whom were admitted, at the behest of international humanitarian organizations, into Kuwait.

Kuwait's refusal to permit the repatriation of Bedoons interned by the Iraqi government during its occupation of Kuwait is in clear violation of its legal duty under Article 134 of the Fourth Geneva Convention, which requires all signatories, "upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence."

There is no precise figure of how many Bedoons, refused re-entry, are stranded outside Kuwait today; estimates range from 130,000 and 160,000. Kuwaiti statistics put the number of Bedoons at 260,000 at the time of the invasion on August 2, 1990. Using a growth rate of 3.5 percent, the total number of the Bedoons would be about 311,000 in mid-1995. Since the number of Bedoons remaining in Kuwait is estimated at between 150,000 and 180,000, then the number of Bedoons outside the country is in the 130,000-160,000 range. While the majority of the Bedoons stranded outside Kuwait are in Iraq--because it was the only country they could flee to--several thousands are known to be in Iran and smaller numbers in other Gulf states, Canada, the U.S., New Zealand, the U.K., Australia and Scandinavian countries.

Since Kuwait's liberation, thousands of Bedoons have tried to return to Kuwait, but were turned back at the border. In October 1994, several thousand Bedoons living in Iraq assembled near the Kuwaiti-Iraqi border demanding to be re-admitted into Kuwait. Their demands were rejected. Many more have petitioned Kuwaiti authorities but most petitions were denied, including petitions from former soldiers and spouses of Kuwaiti citizens. Thousands of families have been separated because Kuwait rejects most family re-unification requests.

THE BEDOONS AND THE MILITARY

From the time Kuwait gained its independence, Bedoons formed the backbone of its military and police forces. Many, especially tribesmen, joined the army because they came from a long martial tradition in their tribes. Others joined because the military was the best method for upward social movement, especially for those with modest means or few opportunities to achieve high levels of education. But many joined because officials promised that enlistment was a guaranteed route to citizenship. A Kuwaiti academic interviewed by Human Rights Watch offered yet another explanation for why so many Bedoons joined the army: "Bedoons were used by the government as a shield against its citizens. They were an army of volunteers. It could buy their loyalty, while keeping them isolated from the rest of Kuwaiti society."³⁹ This cynical opinion represents the views of some in the opposition. They believe that the military and security forces have always been trained to be more loyal to the royal family than to the country as a whole.

Until the Iraqi invasion, the overwhelming majority of the rank and file of all branches of the military and police were Bedoon.⁴⁰ When the government adopted its anti-Bedoon policies during the 1985-1990 period, the Bedoons employed in the security forces were exempted from most of the strict and harassing measures. They continued to be issued travel documents, permitted to drive and register cars in their own names and send their children to government schools.

After the invasion, the Kuwaiti government-in-exile dismissed all of its Bedoon soldiers and security personnel, retroactively from the day of the invasion, August 2, 1990. This action was taken despite the fact that Bedoons in the military proved their loyalty to Kuwait. Many were killed in resisting the invasion and many more were injured or taken prisoner to Iraq.

After the Kuwaiti government was restored to power in February 1991, it rehired only a small fraction of those dismissed. In May 1995, it was officially estimated that 25 percent of Kuwait's twenty-thousand-strong army were Bedoons⁴¹, down from a prewar high of nearly 80 percent. Kuwaiti officials have made it known that they wish to reduce further the number of Bedoons in the armed forces. A senior official called for the armed forces to be "kuwaitized", not by granting citizenship to Bedoons, but by replacing them with Kuwaiti citizens.⁴²

Kuwait instituted complex administrative procedures for Bedoons wishing to rejoin the army. In addition to investigating whether the person "collaborated" with Iraq, the applicants-- most of them returning soldiers who fought in the war of liberation--have to secure financial and political backing. Two officers of the rank of major or above who are Kuwaiti citizens must testify that the person does not have another

nationality and is a known member of their tribe. They must also "guarantee" him financially, politically and morally and be accountable for his actions. Given the natural reluctance of many officers to shoulder such responsibilities, combined with the stigma attached to supporting Bedoon, it is not surprising that most of the Bedoon former soldiers and policemen have not been re-hired, depriving the community of its chief remaining source of earning a livelihood.

For those who were rehired, many had to accept salaries drastically reduced from their former levels. In addition, no matter how highly educated and trained they are and how long their service has been, they may not become officers. According to a Bedoon veteran interviewed by Human Rights Watch, the highest rank a Bedoon can reach in the military is warrant officer; all officers must be Kuwaiti citizens-a policy that was in place before the invasion. A Bedoon with a university degree who joins the army would be appointed corporal, whereas an equivalent citizen would start at first lieutenant.

Bedoon soldiers who have not been re-hired saw their status fall from valued members of the Kuwaiti military who were treated as citizens in most respects, to illegal residents who are denied most basic rights. Human Rights Watch interviewed a twenty-seven-year-old Bedoon former soldier, who is divorced and has been unable to work since his dismissal. He has stopped thinking about re-marriage: "I don't want to create more Bedoons," acknowledging the rule under Kuwaiti law that children of Bedoon fathers are also classified as Bedoons, regardless of whether they are born in

Kuwait or whether their mothers are citizens. Although trained as a psychologist, a Bedoon the only job he could get was as a corporal in the army, a job that he eventually lost in the mass dismissal of Bedoon soldiers. He said that Bedoons were virtually forced to enter the army as it was their only security. To encourage Bedoons to join the army, the government continually promised that enlistment could lead to citizenship. Kuwaiti citizens, who in general had higher incomes and higher levels of education, would enter the officer corps, but rarely joined as soldiers. Without the Bedoons, the armed forces could not have existed. After liberation, while the army has rehired some of the Bedoon soldiers, it has rejected most. The same source said the government is now pressing Bedoons to enter the state security apparatus, as low rank informers-a job so disliked by most Kuwaitis that it would further stigmatize and alienate Bedoons.⁴³

Saleh, another former soldier, at thirty-four is trying to take care of his own family and his brother's. His brother, a former policeman, has been denied reentry into Kuwait. According to Saleh, "During the Iraqi occupation, my brother, who was in the police, escaped into Saudi Arabia to join the Kuwaiti army there, but he was not taken. So he went to Egypt, where he had family connections; he registered with the Kuwaiti embassy in Cairo and received a three-week training course. But then the Kuwaitis were sent to the front and he was left behind. All Kuwaitis have come to Kuwait, but he's stuck in Egypt." After Saleh himself was dismissed from the army, he has been unable to find other employment elsewhere, as it became illegal to hire Bedoons. When he tries to work as a porter or sell trinkets in the street, he is harassed by "agents of the municipality."⁴⁴

Another military man, a former POW, described the discrimination he faced as a Bedoon when he was repatriated after the war. Jaber Hammad was born in 1961 in Kuwait and joined the navy in 1978. His three brothers are in the air force, army and police. He received advanced training and had a generally successful career, until the war:

When the invasion happened, everything was chaos; no one called me but I volunteered to perform my duty to my homeland. I refused to leave my base and go home even though Iraqis were already in control of most places; I preferred to die. I was rushed into the bunker at the navy base operation department, where normally only high Kuwaiti officers are allowed: I wanted to get on a fast boat to battle the Iraqis but I was called on to run the operations room since no Kuwaitis were qualified. I fired on the Iraqis although I didn't have orders to do so; all out of patriotism. Then we were ordered to surrender and we were taken prisoner. I was released to Saudi Arabia on March 20. There was immediate discrimination: the Kuwaitis were flown directly to Kuwait but we stayed behind in Saudi Arabia. There were foreign journalists there; they felt that something was wrong - asked why we were kept, whether there were any foreigners among us. Our group said: we're all Kuwaitis. We entered Kuwait on March 22. Saudi officials noticed the different treatment and asked why we were discriminated against. The officials called on the current Interior Minister (he was Foreign Minister then), who received all POWs, and asked why they were kept there (he said he didn't know why). In solidarity with the Bedoon POWs, some Kuwaiti POWs refused to leave with the other Kuwaitis and instead stayed with us. Once the Bedoon POWs reached Kuwait, they continued to be segregated from other POWs. Upon arriving at Kuwait airport, the Kuwaitis were allowed to leave the airport immediately but we were delayed six hours, as planes arrived and other Kuwaitis came and left. Other Bedoons from other flights joined us. Kuwaitis were received by their families. The first group of Bedoons were taken to al-Jahra hospital for six hours, for processing, where families couldn't see them; then to Qurtuba. In the meantime, our families were waiting at Sirra suburb in the public events hall, where the Kuwaitis were taken. When we arrived home, we asked our families-he had his family and his dead brother's family to care for, fourteen members altogether-how the situation was. They said, 'It's a disaster.' During the occupation, they didn't receive money and food (as Kuwaitis did). We went to the Defense Ministry to get papers, allowances, to give power of attorney to finish procedures: they refused to give it to us since we were Bedoons. Now the Bedoons are worse off than foreign nationalities. The children of Kuwaiti wives

and Bedoon husbands are better off if their parents are divorced. Thus there is a trend for Bedoons to divorce their Kuwaiti wives but keep living together, as their kids are better off-- they then have access to school, housing, and allowances from the Social Affairs Ministry.

Hammad soon found out that his dismissal from the military was only the beginning of his troubles. In spite of his long military service, he was ordered to leave his government-provided housing and surrender his passport, driver's license and car registration. His children could no longer go to school or receive free health care. He has been declared illegal, subjected to virtual "town arrest" and may not legally work in Kuwait.⁴⁵

THE BEDOONS TODAY

The Deprivation of Rights in Post-War Kuwait

The liberation only intensified the Kuwaiti government's policy of discrimination against the Bedoons. The whole community of over a quarter of a million people has been placed under a cloud of suspicion and the threat of eviction from Kuwait. After decades of being treated as citizens in that they were exempted from the requirement to secure residency permits, they are now denied lawful residence as citizens or aliens. After liberation, while the Kuwaiti government gave residency permits to foreigners, Bedoons were deemed ineligible for these permits because they could not produce foreign passports.

Soon after liberation, all the Bedoons who had been employed by the Kuwaiti government were dismissed *en masse*, retroactively from August 2, 1990, the day Iraq invaded. Bedoon doctors and nurses who continued to work throughout the Iraqi occupation and afterwards were denied their back wages and their contracts were terminated.⁴⁶ Private businesses have also been told not to rehire Bedoons. Loss of income was specially critical for Bedoons since under Kuwaiti law they are not entitled to welfare. Even under normal circumstances, the areas inhabited by Bedoons in al-Jahra, al-Sulaibiyya and Umm al-Haiman were slums, with dilapidated or substandard housing and open sewers--not what would be expected in Kuwait, one of the wealthiest countries in the world. Since liberation, the Bedoon districts have become even less inhabitable as most of their residents are unemployed and the Kuwaiti security forces stepped up their surveillance and petty harassment.⁴⁷ The district of Umm al-Haiman, southwest of Kuwait City was demolished in 1993 and its inhabitants were forced to relocate.

A Bedoon who used to work in the Ministry of Interior, complained bitterly about the arbitrary manner in which the Kuwaiti government dealt with the Bedoons: "Kuwaiti officials such as former Deputy Minister of Interior Yousif al-Kharafi used to say: 'A Bedoon's name is written in pencil; it can be easily erased.'" ⁴⁸ The statement illustrates the ease with which the fate of Bedoon families can be decided by a simple bureaucratic procedure: they can be detained, dismissed or administratively deported without judicial recourse.

The threat of expulsion is ever present in the lives of Bedoons. Kuwaiti law gives security officials wide discretionary powers to deport non-nationals. Despite the fact that Kuwaiti courts have ruled that Bedoons may not be deported, the Ministry of Interior has continued to issue deportation orders--24,000 orders since liberation, according to official figures.⁴⁹ The overwhelming majority of these are "administrative deportation" orders, explicitly exempted from judicial review. Most of these orders have not been carried out, because there is no country to which Bedoons can be deported. However, an expulsion order means that the person named in it is subject to arrest and detention at any time they encounter a security checkpoint, thus inhibiting his or her movement.

Those arrested are usually held at the Talha Deportation Center, a crowded makeshift detention facility. After a hunger strike by detainees and repeated calls from the National Assembly's Committee for the Defense of Human Rights, the government promised in 1993 to relocate the inmates to more suitable quarters.⁵⁰ However, as early June 1995, conditions have not noticeably improved, according to Ali al-Baghli, member of the parliamentary human rights committee.⁵¹ Once in this prison, Bedoons are given the choice of leaving the country with a travel document stamped with a no-return notation, or remaining detained indefinitely. Nearly all expulsion orders are issued by the Ministry of Interior without due process of law. Since under Kuwaiti law these orders are not subject to judicial review, detainees are not entitled to visits by lawyers to help them challenge the expulsion. Some detainees are allowed family visits and a few have been released after the intervention of friends and relatives. Others have been at the deportation facility for years, some as early as April 1991. The poor conditions at the facility and the bleak prospects of an early release have forced some of the detainees to accept no-return stamps, after which they were bused to the Iraqi border. Once outside Kuwait, they became stranded: unable to travel outside Iraq and denied re-entry into Kuwait.

Khaled, a twenty-eight-year-old Bedoon, told Human Rights Watch about the threat of deportation. When his father was dismissed from the army he had to surrender his house, driver's license, laissez passer, ration cards and health cards. If he did not return all these, he could not collect his severance pay. After decades of service in the armed forces, "my father is now under the threat of deportation like the rest of the Bedoons who are not on active duty. If he has as much as a traffic violations, he may be deported."

Another Bedoon told Human Rights Watch about the pressure being put on Bedoons to leave. "Many are afraid of being arrested if they are spotted outside al-Jahra [the main Bedoon area]. They then would be given a choice between expulsion and staying in jail." A thirty-two year Bedoon, a current employee of the Ministry of Defense, said that he was among the lucky few who were rehired after the liberation. His father had joined the Kuwaiti Army in the 1940s, just as the force was being formed. However, his brother who used to work for the Ministry of Interior, has not been rehired and is threatened with expulsion. In 1993, another brother was summarily deported to Iraq after he got into a fight: "There was no court decision in the case; he was just ordered deported by the Ministry of Interior. A friend of mine was deported after a traffic violation and altercation with police officers."

Having been declared illegal residents, Bedoons may not have their marriages certified in Kuwait. While under Islamic law they could get married if they find a willing ma'thoun (a justice-of-the-peace who specializes in conducting marriage ceremonies) and two witnesses, but the marriage may not be recorded. Ali, a twenty-three-year-old recently married Bedoon, told Human Rights Watch about the difficulties he and his bride encountered: "Without connections, you may not be certified. I had to pay [a bribe of] one thousand dinars [\$3,500] to get my marriage certified. A friend of mine, who is in the military, had his officer talk to a judge to bend the rules and certify the marriage."⁵²

Bedoons are no longer issued laissez passers by the Kuwaiti government unless they accept a no-return exit visa stamped on their travel document. If a Bedoon accepts such a stamp, as some have, they become stranded outside Kuwait, since they have no where else to go. Travel outside Kuwait --even for medical emergencies-- has become nearly impossible for the Bedoons.

Pilgrimage to Mecca, the *Hajj*, has also become nearly impossible for the Bedoons, almost all of whom are Muslim. Unless they accept a no-return exit visa, Bedoons are not allowed to leave Kuwait to perform this religious duty. Being denied the opportunity to go on the Hajj, one of the five pillars of the faith, is a particular hardship for older Bedoons, who feel they may never get a chance to fulfill this religious duty.⁵³ A Bedoon who tried unsuccessfully to go on the pilgrimage told Human Rights Watch, "The Bedoons cannot even go on Hajj to Mecca. Last year, the Emir said he would send the families of martyrs on Hajj at his expense.⁵⁴ However, before the plane left Kuwait, they got orders to remove all the Bedoons regardless of their age or health-old people who had their hearts set on going, men, women and children. Although Saudi Arabia would accept the Bedoons to go to pilgrimage, they were not allowed by Kuwait to board the plane."

While helplessly awaiting their fate, Bedoons are not allowed to work or to receive welfare and their children are not allowed to go to school, except for those who have been reinstated in the army or police. After the Bedoons were barred from sending their children to public schools, many found out that there were great obstacles to sending their children to private schools as well. Private schools are not permitted to register students unless parents could provide valid residency papers, which Bedoons do not have unless they have been rehired by the army or police.⁵⁵ In addition, the cost of sending a child to private schools is prohibitive. Tuition ranges between 250 and 1,000 dinars per year (\$838 to \$3,350), a sum that most Bedoons could ill afford since they are not permitted to work. Many have kept their children at home.⁵⁶

To survive, most Bedoons have been relying on savings and charities. Most who were dismissed since the war, are still unemployed or work at a range of low-paying jobs. Some have managed, as one interviewee did, to work informally, driving water trucks or taxis. His brother, a former soldier, is now unemployed: "He tried a little business: selling vegetables and fruits on the street, but the municipality has stopped that." Most have to borrow money from friends and relatives when they exhaust their bank accounts.⁵⁷ Street vending, which is the only activity available to many Bedoons, exposes them to arrest and fines, since such activity is illegal. Umm Abdalla, the widow of a policeman who died in a car accident told Human Rights Watch that she was dependent on the Bait al-Zakat, a religious charity, to support her four teen-age children.⁵⁸ Umm Abdalla also runs an illegal stall from which she sells cheap used and new clothes. Umm Najwa, a single mother, divorced with a ten-year-old daughter, sells cheap clothes in the street but "many times people from the municipality came to the place where the women are selling clothes. They take our merchandise away from us, saying that it is illegal and threaten to take us to jail. But for most of these women, this is their only means of livelihood."⁵⁹

Incredulous that Kuwaiti high officials could tolerate the abhorrent treatment of the Bedoons, one elderly Bedoon interviewed by Human Rights Watch held the hope that the Emir would solve the problem if he knew about it: "If a group of Kuwaitis from respected families went to the Crown Prince and Emir and said the Bedoon issue isn't as complicated as you think-that you can identify impostors and original Bedoons-the Emir would respond immediately."⁶⁰

PROFILES OF PERSECUTION AND DISCRIMINATION

Despite promises, there has been no perceptible improvement in the position of the Bedoons since liberation. Other than rehiring a few thousand Bedoons in the armed forces and the police, there has been very little change in the legal status or living conditions of the majority of the Bedoons. In fact, as the government squeezes them to leave, and as many exhaust their meager savings and are turned down by charities

because of their status, the general conditions of the Bedoons have worsened over the past four years, as many of those interviewed by Human Rights Watch attest.

- Ibrahim al-Athari, an eighty-year-old former slave who came to Kuwait as a young man and is classified as Bedoon, is now threatened with deportation. He was interviewed in the Talha Deportation facility where he had spent several months after being stopped at a checkpoint. When he failed to produce a residency permit, he was taken to the deportation center. Al-Athari told Human Rights Watch that he was brought to Kuwait sixty years earlier as a slave. He produced the documents of his emancipation from slavery in 1961 and government documents showing his classification as Bedoon. He said that after liberation he was stopped several times at checkpoints and threatened with deportation if he did not produce residency papers. He said he failed to secure new documents as he did not find employers and his former masters, whose name he still carried, were not able to assist him. He speaks only Arabic and does not know which African country he had been kidnapped from as a youth (it happened before the independence of most African nations).[61](#)

- M., a former slave, still employed by a member of the royal family, is classified as Bedoon. He said that there are some twenty others employed in the same royal household in similar situations. While they are being adequately provided for by their (former) masters, he is concerned about the future since they and their children are all classified as Bedoons. If one of them is dismissed or retired, they may be removed from the royal household and subjected to the same rules as the rest of the Bedoons.[62](#) Representatives from international humanitarian groups in Kuwait told Human Rights Watch that there are still scores of former slaves in Kuwait who are classified as Bedoons. Most do not appear to know their country of origin.

- Yousef H. was born in Kuwait in 1934 and since 1967 has been married to a Kuwaiti citizen. In November 1990, Ya'qoub, their twenty-year-old son, was killed by the Iraqi occupation forces, having been suspected of resistance acts. They have three other sons, ages twenty-two, seventeen and twelve, and a twenty-five-year-old daughter. Yousef and his four children are considered illegal residents: they have no permits to work or drive the family car, and are threatened with deportation.[63](#)

- Muhammed I. was born in 1926 to an unknown father, and has documents proving he has lived in Kuwait since 1942. Since 1958, he has been married to a Kuwaiti citizen and they have five sons ranging in age between twenty-two and thirty-three years of age. In 1990, he was dismissed from his government job and lost his laissez passer and driver's license.[64](#)

- Abdalla Abbas A. was born in 1933 in Kuwait to a father who had lived in Kuwait before 1920-the year set by the Nationality Law for "first-class" citizenship. He worked in the government between 1950 and 1985, when he was dismissed with the other Bedoon civilians. He later was able to secure a job at the Bank of Kuwait and the Middle East for a few years but was fired, at the government's urging, when he failed to produce citizenship papers. He applied for "first class" citizenship but was rejected for insufficient documentation. Since 1959, he has been married to a Kuwaiti citizen and they have four children: three daughters, ages thirty one, twenty six and twenty three, and one son, age twenty eight. Although the mother is a Kuwaiti citizen, all their children are classified as Bedoons. Since they are all adults, their mother may not sponsor them-or her husband-to stay in the country for more than a year. Since that year has long passed, all of the children and their father are considered illegal residents of Kuwait.[65](#)

- Ammash S. M. was born 1964 in Kuwait to a Bedoon father, served as a soldier in the Kuwaiti Army, and participated in the war to liberate Kuwait. Since 1983, he has been married to a Kuwaiti citizen and they have two daughters, ages ten and eight, and three sons, ages six, five and two, all born in Kuwait. All the children are classified as Bedoons since the husband is a Bedoon. In 1992, he was dismissed from the military without explanation. Before he was fired, he had a laissez passer, a Kuwaiti travel document.

Since he no longer has this passport, he is unable to leave the country to accompany his wife, who requires urgent medical treatment outside the country. He has not been able to find employment since his residency is no longer legal. He may no longer drive his car, since the driver's license was contingent on his continued government service.[66](#)

- Muhammed Saud M. was born in 1960 in Kuwait and worked in the Military Hospital until the mass dismissal of the Bedoons after liberation. The dismissal was retroactive to August 2, 1990, the day of the invasion. He was not rehired after liberation. He and his wife, a Kuwaiti citizen, have a daughter, age ten, and three sons, ages seven, four and three years, all Bedoons. While the wife has been able to sponsor the children until they reach the age majority, her requests to sponsor her husband to stay have been denied. His driver's license and laissez passer have not been renewed and his residence in Kuwait is considered illegal.[67](#)

- Hasan Muslim A. was born in 1959 in Kuwait and worked as locomotive engineer for the Ports Authority, a government agency. He was

dismissed, with all other Bedoons, effective August 2, 1990 but rehired after liberation under a new contract with less than half his former salary. His new monthly salary is KD250 (\$837.50) instead of his former salary of KD700 (\$2,345).[68](#)

- Halima Muhammed A., 48, is a Kuwaiti citizen. In 1966, she married Abdel-Karim Husain, a Bedoon, who died in 1987. She has five daughters, ages twenty-five, nineteen, fourteen and eight years, and three sons, ages twenty-six, twenty-four and twenty-two years. All the children are classified as Bedoons, despite the fact that Article 5 of the Citizenship Law clearly entitles them to citizenship since their mother is a citizen and their father deceased. Furthermore, the adult children are still considered illegal residents and therefore unable to work.[69](#)

- Qassem Shadhr al-Shammari was born in 1958 in Kuwait and has since 1986 been married to a Kuwaiti citizen. They have three children, ages seven, six and two. He served for several years as a sergeant in the Kuwaiti army, but was dismissed-together with most other Bedoons-after liberation. He could not find alternative work because he is not a citizen and has no residency permit. Despite his marriage to a Kuwaiti citizen, he feelsthrated with expulsion at any time. Neither he nor the children could leave the country since his Article 17 passport was not renewed and the children may not be added to their mother's passport.[70](#)

- Muhammed Jassem A. was born in Kuwait in 1950. While Muhammed was a child, his father died before obtaining citizenship. He therefore was considered a Bedoon, despite the fact that his mother is indisputably a citizen and so are his brothers and his paternal uncles. Since 1981, he has been married to a Kuwaiti citizen.[71](#)

- Yousef A. was born in Kuwait in 1952 to a Bedoon father (of Iranian origin) who has lived in Kuwait for some seventy years. He was educated in Kuwaiti schools and treated as citizen until 1991, when his work was terminated. Yousef is considered a Bedoon and an illegal resident, despite the fact that his mother is a first-class citizen and that since 1979, he has been married to a Kuwaiti citizen.[72](#)

- Ali M. al-Balushi was born in Kuwait 1936 was classified as Bedoon. He was treated as a citizen until July 1991, when he was dismissed from his government job. Since then, he has not been able to find other work because he does not have the necessary papers. In 1972 he married a Kuwaiti and they have three daughters, ages twenty-one, fourteen and four years, and three sons, ages nineteen, sixteen and ten. All the children are Bedoons.[73](#)

- Ahmed Ali Muhammed Awadh was born in Kuwait in 1948 and has been married to a Kuwaiti citizen since 1968. They have a thirteen-year-old daughter and four sons, age twenty-four, twenty-two, twenty and seventeen years-all classified Bedoons. Their adult children have been denied admission into the university and he was dismissed from his government job of sixteen years service at the Ministry of Social Affairs and Labor.[74](#)

- Fahd Ibrahim Ali Ghuloum was born in 1957 in Kuwait to a Bedoon father and a mother who is a "first-class" citizen. Although his parents were divorced in 1965, he was not granted citizenship, despite the fact that the Citizenship Law clearly states that in the case of marriage dissolution, children of Kuwaiti mothers are entitled to citizenship. In 1980, he married a Kuwaiti citizen and they have three daughters ages twelve, ten and nine, and three sons nine, five, and two-all Bedoon.[75](#)

- Jassem Ghaleb M. was born in Kuwait in 1940 and has been married to a Kuwaiti citizen since 1963. He left Kuwait during the occupation, but has not been permitted to return since then, despite his wife's repeated petitions to sponsor him to return to Kuwait.[76](#)

- Ali Hajj Ramadhan Ali was born in Bahrain in 1925 and came to Kuwait in 1945. He was classified as Bedoon in both countries. In 1960, he married a Kuwaiti citizen and they now have eleven children, all born in Kuwait and all Bedoon. He was dismissed from his job in the Ministry of Health without a pension. The adult children are treated as foreigners in regard to residence permit requirements and were not accepted in the university because of their Bedoon status.[77](#)

- Nasser Sarhan was born in 1940 in Kuwait and has been married to a Kuwaiti citizen since 1969. They have ten children, all born in Kuwait but all Bedoon. He was dismissed from his police job in 1990 and subsequently lost his license to drive and laissez passer to travel. He is considered an illegal resident.[78](#)

- Abdullah is a 28 year old Bedoon who says he does not belong to any particular tribe. He has been unemployed since 1984, when he was dismissed from his job as a messenger in the Ministry of Education. He said that a government committee subsequently came to his house in 1986 and pressured him to obtain Iraqi nationality which he refused to do. "The pressure began in 1985, when the government said that

everybody should have an identity card and the pressure increased when the parliament was dissolved," he told Human Rights Watch.⁷⁹ On the charge that Bedoons collaborated with the Iraqi occupiers he said, "There were Kuwaiti, Bedoon and other collaborators but nobody did anything to them because they protect each other while the Bedoons as a whole are the scapegoats." Abdullah also said, "There is now a lot of pressure on the Bedoons to leave. Many are afraid of being arrested if they are spotted outside al-Jahra. None of the political groups in Kuwait is expressing public support for the Bedoons. Even the fundamentalists aren't taking a clear stand, although it is a purely humanitarian issue. Even charitable organizations such as Bait al-Zakat (the House of Alms) have reduced their assistance to the Bedoons. They are stricter now." He said that he has had enough and wants to leave the country, but that he has no travel documents to enable him to travel. He is currently paying eighty Kuwaiti Dinars in monthly rent which he gets from his friends who are working.⁸⁰

- K. al-Adwani, 38, a purchasing agent for a private company in the United States, is a Bedoon who is now also a U.S. citizen. He was born in Kuwait in 1955 to a father from the large Adwan tribe that is spread between Saudi Arabia and Kuwait. He believes that his family, camel herders, came to Kuwait in the 1930s. His father, a Bedoon, worked in the al-Hajjana (cavalry) contingent of Kuwaiti police between 1957 and 1987, but never gained citizenship. Upon leaving the police force, the father lost his government-provided housing because he was a Bedoon. K. has six sisters and three brothers. A brother served twelve years in the army and is married to a Kuwaiti citizen, but was dismissed after the war because he was a Bedoon. Another brother, forty, graduated from Kuwait University in 1981 and worked for the University Housing Department for seven years, until the Iraqi invasion. He was dismissed from his job and there is no promise of reinstatement. He was told that he had to prove his citizenship (Kuwaiti or foreign) before he was allowed to work again. One sister is married to a Kuwaiti citizen, so she and her children were eligible for citizenship before the law was amended. Unless the marriage is dissolved, she is in no danger. But another sister is married to a Bedoon who used to be a chief sergeant in the army. They have seven children. The husband was dismissed after the war and has not been reinstated. "They are all threatened with deportation. In the meantime, they have no income and they are always afraid of being arrested for not having valid residency permits. My two young sisters graduated from Kuwait University just before the Iraqi invasion, but they have no prospect of employment because they are Bedoons. One I believe is on the verge of a nervous breakdown because of the bleak prospects."⁸¹

- Most Kuwaiti citizens and foreign residents fled Kuwait after the Iraqi occupation. Most Bedoons too tried to leave to avoid the brutality of the occupation and the risk of war which was being planned by Kuwait's allies. But many of those Bedoons wanting to leave were not able to do so since they did not have travel documents. According to one Bedoon who did not leave Kuwait, some of those who left were able to do so because they were able to secure foreign travel passports. Some were able to obtain them because they had distant relatives in neighboring countries, especially Iraq, who were able to sponsor their applications. Others paid money to get Afghan or Pakistani passports, apparently illegally. Some fled to Saudi Arabia through the desert or used their newly-acquired passports to travel to seek asylum in Canada, Australia, New Zealand or the United States, where some had relatives. Others left because they had in fact joined the Iraqi Popular Army and feared retribution. He said that those who joined the Popular Army did so either out of fear of the Iraqis or as a reaction to the way they were treated before the invasion by their Kuwaiti brothers.⁸²

- A. al-Adwani, thirty eight, a Bedoon, fled Kuwait in September 1990 with his wife and four children to escape arrest by the Iraqis since he had been on active duty in the Kuwaiti army at the time of the invasion. They tried to enter Saudi Arabia through the al-Khafji port of entry- where most Kuwaitis entered Saudi Arabia-but were denied entry. The Kuwaiti Reception Committee, based at the crossing point, recommended denial to the Saudis. Al-Adwani and his family had to live out of their car for four months in a fenced camp which they were not allowed to leave. At one point there were 250 families (all apparently Bedoons, most from the military) in this camp. Eventually some 200 families managed to leave the camp and enter Saudi Arabia but fifty to sixty families (all Bedoons) could not, including A., his pregnant wife, and their four children. They were at the camp when the Iraqis were able to penetrate Saudi defenses and briefly occupy al-Khafji. Many of the families in the camp took advantage of the chaos and escaped the camp into Saudi Arabia. They made it to Dammam, where they were given housing in the al-Aziziyya neighborhood. While the accommodations were good, the families were not allowed to leave the complex. His wife gave birth in al-Aziziyya. They were finally allowed to return to Kuwait in April 1991. But he was not reinstated in his military job and was given residency papers for one year under the sponsorship of his wife, who is a citizen.⁸³

- F. al-Anezy, is a Bedoon married to a Kuwaiti citizen. In 1992, upon finishing his studies in the United States, he attempted to return to Kuwait but was denied entry because his laissez passer had expired. Although he was born in Kuwait and many in his family, including two of his brothers, were Kuwaiti